

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

7

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A.T.A No. 235/2000

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. OA-235/2000 Pg. 1 to 6
2. Judgment/Order dtd. 09/01/2002 Pg. 1 to 4 *allowed*
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 235/2000 Pg. 1 to 23
5. E.P/M.P. NIL Pg. to
6. R.A/C.P. NIL Pg. to
7. W.S. Pg. 1 to 6
8. Rejoinder. Pg. 1 to 6
9. Reply. Pg. to
10. Any other Papers. Pg. to
11. Memo of Appearance.
12. Additional Affidavit.
13. Written Arguments.
14. Amendment Reply by Respondents.
15. Amendment Reply filed by the Applicant.
16. Counter Reply.

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 235/2000 OF 199

Applicant(s) Smt. Preatima Kalay and another.

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. M. Chanda.

Advocate for Respondent(s) Mr. N.D. Goowami
Mr. G.N. Chatterbari,
C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in and within time. of Rs 50/- deposited vide IPO RD No 59730/ Dated 12.2.2000</p> <p>17/7/00 Envelopes not submitted. Notice prepared and sent to D/3 for cross the respondents No 4 to vide DINo 1872 to 1875 dtd 18/7/00</p> <p>17/7/00</p>	<p>13.7.00</p> <p>pg 14/7/00</p> <p>11.8.00</p> <p>7.9.00</p>	<p>Present : The Hon'ble Mr S. Biswas, Administrative Member.</p> <p>Heard Mr M.Chanda, learned counsel for the applicant and Mr B.C.Pathak, learned Addl.C.G.S.C for the responde- nts.</p> <p>Issue notice to show cause as to why this application shall not be admitted. Returnable by four weeks.</p> <p>List on 11.8.2000 for filing reply to the show cause and further order.</p> <p>S. Biswas Member(A)</p> <p>There is no Bench. 18.8.00 12.7.9.00 no Bench. To be fixed on 26.9.00.</p>

Notes of the Registry

Date

Order of the Tribunal

9/8/00

Notice & order returned of Respondent No. 1 due to incomplete address

26.9.00

Present : Hon'ble Mr. Justice D.N.Choudhury,
Vice-Chairman.

Applicant to take fresh steps within seven days for service of notice on the respondents. List it for Admission on 31.10.2000.

Vice-Chairman

Show Cause has not been filed.

25/9/2000

nkm

31.10.00

Heard Mr M.Chanda, learned counsel for the applicant and Mr. S.Sarma, learned counsel for respondents No.2, 3 and 4. On the prayer of Mr S.Sarma two weeks is allowed to file written statement.

List on 16.11.2000 for order.

Endeavour shall be made to dispose of the matter at the admission stage.

Vice-Chairman

pg

16.11.00

Mr. M.Chanda, learned counsel for the applicant and Mr. S. Sarma, learned counsel for the NVS.

Four weeks further time is allowed for filing of written statement on the prayer of Mr. S. Sarma, counsel for the NVS.

List on 18.12.00 for written statement and further orders.

Vice-Chairman

trd

4.12.00
164.

10.1.2001

Heard Mr M. Chanda, learned counsel for the applicant and Mr B.C. Pathak, learned Addl. C.G.S.C. The application is admitted. Further six weeks time granted for filing of written statement. List it on 22.2.01 for orders.

Vice-Chairman

nkm

2/2/2001
Selling

list on 22.2.01

6/10
15.

15.11.2000

"Vakalatnama" has been filed by the respondents.

5.1.2001

No. Written Statement has been filed by the respondents.

Boo

No. W/S has been filed.

3/1/2001

9.1.2001

3

OA 235/2001

3

Notes of the Registry

Date

Order of the Tribunal

22.2

Ms. B. Admonished to 5-3-2001.

M/6

A.B. 22

22.2

5.3.01

List on 11.4.01 to enable the respondents to file written statement.

Vice-Chairman

1m

No written statement has been filed.

11.4.01

List on 16.5.01 for hearing. The respondents may file written statement within two weeks from today.

Vice-Chairman

M/6
12.6.01

1m

16.5

list on 13/6/2001

list on 13/6/2001

M/6

A.B. 3

16.5

13.6.01

We have heard Mr. M. Chanda, learned counsel for the applicants. No written statement has been filed.

No written statement has been filed.

M/6
26.7.01

On the prayer made by Mr. S. Sarma, appearing on behalf of the respondents, for adjournment by six weeks, the case is adjourned to 27-7-2001 for hearing.

The respondents are directed to produce records at the time of next hearing.

K. C. Sharma
Member (A)

bb

Notes of the Registry	5. Date	List Order of the Tribunal
	<p>27.7.01</p> <p>1st</p>	<p>Mr. M. Chanda, learned counsel for the applicant submitted that the sister of the applicant, Smt. Khana Devi, who was an employee under the respondents died on 24.4.1994. Before her death she had nominated the applicant for her G.P.F. as well as Group Insurance. He also submitted that the applicant has submitted death certificate of the deceased employee and has made numerous correspondences for payment of G.P.F. as well Insurance amount due to late Smt. Khana Devi. Mr. Chanda further submitted that there is no other claimant for the said amount of GPF and Insurance of the deceased employee.</p> <p>Mr. S. Sarma, learned counsel for the respondents raised objection regarding jurisdiction. He further submitted that legal heir should be decided by the Civil Court. He also submitted that the applicant did not reply to the letter dated 27.11.2000 requiring certain document. Since the respondents ^{have} are disputed certain facts it is desirable respondents should file written statement so that the applicant may response. U</p> <p>List it on 31.8.2001 for hearing. The respondents shall submit written statement within two weeks from today.</p> <p>10/8/01 Member</p> <p>31.8. Adjudged to 6.9.2001</p>

No. written statement has been filed.

30.8.01

(5)

4

6.9.01

No. written statement has been filed.

31
27.9.01

mb

Mr.M.Chanda, learned counsel for the applicant, requests for short adjournment on the ground that he is yet to receive instructions. Prayer accepted. List on 28/9/01 for hearing.

IC Ushan
Member

28.9.2001

List again for hearing on 5.10.01.

Vice-Chairman

nk m

1.10.2001

W/s has been submitted by Capt. M.B. 384 5.10.01

W/s

Mr.B.W.Pathak learned Addl. C.G.S.C. prays for adjournment. Mr.M.Chanda learned counsel for the applicant has no objection. List on 17.10.10 for hearing.

IC Ushan
Member

W/s has been filed.

31
16.10.01

17.10.01

Mrs N.D.Goswami, learned counsel makes a prayer on behalf of Mr M.Chanda for short adjournment on the ground of personal difficulty. Prayer allowed.

List on 12.12.01 for hearing.

IC Ushan
Member

Rejoinder submitted on behalf of the applicant.

31
11.12.01

pg

12.12.01

It is mentioned on behalf of Sri M.Chanda, learned counsel for the applicant that he is out of station. Prayer is made for short adjournment of the case. Prayer accepted.

List on 9.1.02 for hearing.

IC Ushan
Member

The case is ready for hearing.

31
8.1.02

mb

10.1.2002

Heard the learned counsel for the parties.

Hearing concluded. Judgment delivered in open court,
kept in separate sheets. The application is allowed.

No order as to costs.

K. L. Shan
Member

nkm

30.1.2002
Copy of the
judgment has
been sent to
the office for
reply to the
to the applicant
by post.
✓

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./XXX. No. 235 of 2000

DATE OF DECISION 9.1.2002

1. Smt Pratima Kahaly

2. Shri Joydeep Kahaly

APPLICANT(S)

Mr M. Chanda, Mrs N.D. Goswami and

Mr G.N. Chakrabarty

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

The Union of India and others

RESPONDENT(S)

Mr K.N. Choudhury, Mr S. Sarma and

Mr B.C. Das

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR K.K. SHARMA, ADMINISTRATIVE MEMBER

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
- 5.

Judgment delivered by Hon'ble Administrative Member

IC Ushay

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.235 of 2000

Date of decision: This the 9th day of January 2002

The Hon'ble Mr K.K. Sharma, Administrative Member

1. Smt Pratima Kahaly,
Wife of Late Niharendu Kahaly,
Resident of Umpling, Plot No.129,
Shillong.
2. Shri Joydeep Kahaly,
S/o Late Niharendu Kahaly,
Resident of Umpling, Plot No.129,
Shillong.

By Advocates Mr M. Chanda, Mrs N.D. Goswami and
Mr G.N. Chakrabarty.

.....Applicants

- versus -

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Human Resource Development,
New Delhi.
2. The Director,
Navodaya Vidyalaya Samiti,
New Delhi.
3. The Deputy Director,
Navodaya Vidyalaya Samiti,
Nongrim Hills, Shillong.
4. The Principal,
Jawahar Navodaya Vidyalaya,
William Nagar,
East Garo Hills, Meghalaya.

By Advocates Mr K.N. Choudhury, Mr S. Sarma and
Mr B.C. Das.

.....Respondents

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

Payment of GPF amount and NVS Employees Group Insurance Scheme -(NVSEGIS for short) amount in respect of Smt Khana Devi, deceased employee of Navodaya Vidyalaya Samiti (NVS for short) is the subject matter of this case.

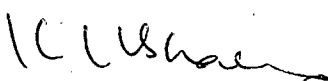
2. Smt Khana Devi died on 24.4.1994. Prior to her joining the NVS she was a teacher in Government High School, Bomdilla, Arunachal Pradesh since 1974 and she joined the NV in August 1988. While serving the NVS she was suffering from liver cancer and was taken care of by

IC Ushar

her sister, the applicant in this O.A. The applicant was a nominee with 100% share of GPF amount due to her sister. It may be mentioned that Smt. Khana Devi did not join the Contributory Provident Fund Scheme of the NVS. An amount of Rs.15,000/-, being the provident fund contribution made by Smt Khana Devi while serving with the Arunachal Pradesh Government was transferred to the respondents and the same is due to the applicant on account of her nomination. Similarly, Khana Devi was a member of the NVSEGIS. In the NVSEGIS also the applicant is a 100% nominee. After the death of the sister of the applicant on 24.4.1994, the applicant made representation to the respondents to pay her the GPF and NVSEGIS dues of Smt Khana Devi. From the documents filed by the applicant it is seen that the Principal of NVS, William Nagar, Meghalaya also wrote to the Director, NVS, New Delhi on 4.1.1997 and 7.1.1997 for authorising the payment of GPF amount to the applicant. As the dues were not paid to the applicant the applicant has filed this application.

3. The respondents have filed the written statement. It is stated therein that a sum of Rs.15,000/- has been received by the respondents from the parent employer of Smt Khana Devi with a direction to disburse the GPF amount to her legal heir. The respondents have not paid the amount to the applicant on the ground that the parent department had not mentioned the name of the legal heir. It is stated that the respondents have no hesitation in paying the GPF amount received from the Government of Arunachal Pradesh to the legal heir of Smt Khana Devi. Regarding the claim for Group Insurance it is stated that the claim of the applicant has been forwarded to the Life Insurance Corporation of India for final settlement. It is stated that there is no dispute about the nomination of the applicant. As and when the claim will be received from the Life Insurance Corporation of India the same will be paid to the applicant.

4. I have heard at length Mr M. Chanda, learned counsel for the applicant. Referring to Annexure 5 being letter dated 28.8.1996 Mr Chanda pointed out that the deceased Smt Khana Devi had nominated


her.....

her sister as 100% nominee for GPF dues. Relying on the Group Insurance Scheme Rules Mr Chanda argued that in case a nomination has been filed the payment is to be made to the nominee and not the legal heir. As Smt Khana Devi filed nomination in favour of the applicant the applicant is entitled to the dues under the Group Insurance Scheme and also since Smt Khana Devi nominated the applicant as a nominee towards the GPF amount, there is no question of payment to legal heir. Mr Chanda in support of his contention referred to the decision of the Apex Court in Dr Uma Agrawal Vs. State of U.P. and another, reported in (1999) 3 SCC 438 and R. Kapur Vs. Director of Inspection Printing and Publishing IT, reported in (1994) 6 SCC 589 and the order of the Principal Bench of the Central Administrative Tribunal dated 8.10.1996 passed in O.A.No.1705 of 1993, reported in Swamy's Case Law Digest, 1997/1, and also stated that the applicant will be entitled payment of interest on the amount due to her. Mr S. Sarma, learned counsel for the respondents was also heard at length.

5. It is not disputed that Late Khana Devi had filed nomination favouring her sister, the applicant, both in respect of GPF as well as NVSEGIS. Smt Khana Devi died on 24.4.1994. More than seven years have passed and the amount due to the applicant has not been paid to her. The respondents have not placed any record to show that there are any other claimants other than the applicant. Even the rule provide that when a nomination is filed both in respect of GPF and Group Insurance Scheme no reference is required to be made to the legal heirs. From the documents filed with the O.A. it is seen that the respondents have not objected to the payment to the applicant. The respondents are delaying the payment only on account of the technicalities. From the submissions made before me and on going through the record it is not considered justified to delay the payment of the amounts due to the applicant. The applicant's claim for payment of GPF and Group Insurance Scheme dues of Late Khana Devi is directed to be paid with interest as per rules

10/1/98

at.....

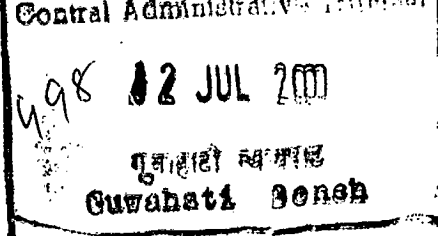
12

at the earliest and in any case within three months from the date of receipt of this order.

6. The application is allowed. There will be no order as to costs.

K K Sharma
(K. K. SHARMA)
ADMINISTRATIVE MEMBER

nk m



In the Central Administrative Tribunal

Guwahati Bench at Guwahati.

(An application under Section 19 of the Administrative
Tribunals Act, 1985).

Title of the Case : O.A. No. 235 /2000

Smti. Pratima Kahaly
-And- : Applicants.
Shri Joydeep Kahaly

- Versus-

Union of India and others : Respondents.

I N D E X

<u>Sl.No.</u>	<u>Annexure</u>	<u>Particulars</u>	<u>Page No.</u>
1.	-	Application	1 - 10
2.	-	Verification	11
3.	1	Copy of the death certificate	12
4.	2	Copy of the representation dated 10.2.97.	13
5.	3 & 4	Copies of the letter dated 28.8.96, 30.8.96.	14-15
6.	5, 6 & 7	Copies of the letter dated 28.8.96, 4.1.97 and 7.1.97	16-18
7.	8 & 9	Copies of the letter dated 12.1.99 and 16.9.99	19-20
8.	10 & 11	Copies of the letter dated 25.8.99, and 20.4.2000.	21-23

Filed by

N.D. Goswami

Advocate.

14

In the Central Administrative Tribunal

Guwahati Bench at Guwahati

(An application under Section 19 of the Administrative
Tribunals Act 1985).

Original Application No. 235/2000

BETWEEN

1. Smt. Pratima Kahaly
Wife of Late Niharendu Kahaly
aged about 58 years
Resident of Umpling
Plot No. 129
Shillong -793006.
2. Shri Joydeep Kahaly
Son of Late Niharendu Kahaly
Resident of Umpling
Plot No. 129.
Shillong - 793 006.

..... Applicants.

- AND -

1. Union of India
Through the Secretary to the
Govt. of India
Ministry of ^{Human} Home Resource Development
New Delhi.

Contd...2/-

Pratima Kahaly.

2. The Director
Navodaya Vidyalaya Samiti
A-39, Kailash Colony
New Delhi -110048.
3. The Deputy Director
Navodaya Vidyalaya Samiti
Nongrim Hills
Shillong - 793 003.
4. Principal
Jawahar Navodaya Vidyalaya
William Nagar
East Garo Hills
Dist. Meghalaya- 794111.

..... Respondents.

DETAILS OF APPLICATION .

1. Particulars of order against which this
application is made.

This application is made for non-payment of GPF amount and also non-payment of the Govt. of India's Scheme NVSEGIS although deceased Govt. servant Smti. Khana Devi died on 24.4.1994 while in service and also praying for a direction upon the respondents for immediate payment of the GPF amount as well as payment due under the NVSEGIS and for a further direction upon the respondents to pay the interest at the rate of 18% till the

Pratima Kabaly.

date of actual payment.

2. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicant further declares that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case.

4.1 That the applicants are Citizen of India and as such they are entitled to all the rights and previliges guaranteed by the Constitution of India.

4.2 That the present applicant was appointed noninee by her ^{younger} ~~elder~~ sister late (Mrs) Khana Devi during her life time with 100% share for drawal of EPF and NVSEGIS, 1991 scheme in her absence.

4.3. That the deceased Khana Devi was a trained graduate teacher in the Govt. High School at Bomdila in the District of Kareng in Arunachal Pradesh. Initially she was appointed on regular basis since 1974 , while working under the State of Arunachal Pradesh, she applied for appointment on deputation to NVS in the post of trained

Contd.....4/-

Pratima Kabaly.

~~granted~~ graduate teacher in English. After scrutiny of her application, the respondent found her suitable in the month of August 1988, she was appointed on deputation at Nihang bari NVS in the state of Meghalaya - although she was absorbed in Navodaya Vidyalaya in September 1992 on regular basis. For more than 6 years she was serving in the NGS in the post of trained graduate teacher. In the meantime Mrs. Khana Devi stated suffering from Liver Cancer, though she was admitted in Defo-Dially Nursing Home at Calcutta for her better treatment unfortunately she died on 24.4.1994. Mrs. Khana Devi was ^{married} married her husband is also still alive, but during her life time ~~gix~~ she given nomination in favour of Smt. Pratima Kahaly, widow sister, with 100% share and in the name of Mr. Joydeep Kahaly as son of Mrs. Pratima Kahaly as a 2nd nominee for the purpose of GPF amount and for the amount due under Govt. of India's NVSEGIS, Scheme. While ~~late~~ Khana Devi died, she was serving at William Nagar, Meghalaya.

A copy of the Death Certificate is enclosed as Annexure - I.

4.4. That the applicant No.1 was waiting for more than 2 years from the date of death of Smt. Khana Devi thereafter made representation dated ^{10.2.97} 28.8.1996 addressing to the Director NVS New Delhi requesting the respondents for early payment of NVSEGIS scheme amount applicants but to no result.

Pratima Kahaly.

10.2.97

Copy of the representation dated ~~28-8-96~~ is
enclosed as Annexure -2.

4.5. That thereafter the Principal, NVS William - Nagar, Meghalaya on 28.8.96 wrote a letter to the Director, NVS New Delhi, stating requesting to accord sanction for payment of NVS Group Saving linked Insurance Scheme (in short NVSEGIS) 1991, to an early date, it is also stated that late Khana Devi, given nomination in favour Smt. Pratima-Kahali, Widow sister with 100% share and also send necessary Pre-receipt bill in original duly signed by the nominee and form No.6 (An application for NVSEGIS, 1991) but surprisingly no action was initiated by the Director NVS, New Delhi for according sanction for settlement of above claim as such the then Director is personally liable for non payment of NVSEGIS, Amount interest is liable to be recovered from the then Director. It is also relevant to mention here that the petitioner again submitted another representation on 10.2.97 claiming payment of NVSEGIS 1991 scheme. The Principal JNV, William Nagar again vide his letter dated 30.8.96 requested the petitioner to fill up the necessary columns and putting her signature, witness signature etc. The applicant also accordingly filled up the necessary form as per instructions but unfortunately no progress is made regarding settlement of claim .

Copies of the letter dated 28.8.96, 30.8.96,
3 and 4
10.2.97 are enclosed as Annexures- 4, 5 and 6
respectively .

Pratima Kahali.

4.6. That your applicant beg to states that the respondent no. IV vide his letter dated 4.1.97 requested the Director to allow them to make payment of outstanding GPF amount to late Khana Devi to her widow sister Smt. Pratima Kohali. Again respondent No. IV vide his letter dated 7.1.97 addressed to the Director send all relevent Documents Forms and pre receipt bill in original for sanction of amount due under NVSEGLIS 1991 scheme on the even of dealth of Iate Khana Devi ex-TGT but to no result.

28.8.96

Copy of the letter dated 4.1.97 and 7.1.97

are enclosed as Annexure ^{5,6} 7 and ⁷ 8 respectively.

4.7. That the Deputy Director NVS Shillong vide his letter dated 12.1.99 again requested Dr. N.D. Sharma (Asstt. Director and it) New Delhi to expedite settlement of NVSEGLIS amount however Asstt. Director of Audit on 16.9.99 requested Manager IICI New Delhi to look into the matter personally and settle the issue as early as possible, thereby he has complitted his job regarding payment of NVSEGLIS as it appears from their correspondences , it appears that none of the officers took the matter regarding payment of outstanding GPF balance and NVSEGLIS 1991 amount as such it seems that none of the officers are fit to be retained in the Government job as they have taken such a serious matter in a very casual manner and sericous action are liable to be taken against the concerned officers who

Contd....?

Pratima Kohaly.

are responsible for non settlement of above claims of the applicant, they are also liable to pay 18% interest for non payment of GPF amount and NVSEGLIS 1991 amount individually as well as in their official capacity, and also liable to pay cost of the application amounting to ~~Rs. 25000/-~~ Rs. 25000/- (Rupees twenty five thousand) for the mental agony and anxiety suffered by the applicants due to non receipt of the aforesaid amount.

Copy of the letter dated 12.1.99 and 16.9.99
are enclosed as Annexure ^{8 and} 9 ~~and 10~~ respectively. △△

4.8. That your applicant No.1 submitted representation dated 25.8.99 addressed to the than Hon'ble Minister Dr. M.M. Joshi, Minister , Ministry of Human Resource Development again submitted representation on 20.4.2000 to the Asstt. Director Audit, New Delhi but to no result.

In the compelling circumstances the applicants finding no other alternative approaching the Hon'ble Tribunal for redressal of their grievances praying for a direction upon the respondents for immediate settlement of their above claims.

Copies of the representation dated 25.8.99,
~~16.9.99~~ and 20.4.2000 are enclosed as Annexure- 10
11 and 12 respectively. △△

4.9. That this application is made bonafide and for the ends of justice .

Pratima Bahaly .

5. Grounds for relief with legal provisions

5.1 For that about 6(six) years have elapsed but claim of the petitioner for settlement of outstanding GPF balance and NVS employees group saving linked insurance scheme 1991 amount has not yet been settled although Government servant Smt. Khana Devi died on 24.4.94 while in service ^{lives} ~~xxxxxxx~~ blood cancer.

2. For that applicant no.1 was duly nominated by late Khana Devi as nominee with 100% share for GPF amount and NVSEGLIS.

20/2/10
3. For that the applicant No.1 made necessary applications, representations and filled up necessary forms, signed pre receipt bills as per instructions issued by the respondent No.IV for time to time . But claims has not yet been settled.

4. For that non-payment of outstanding GPF amount and NVSEGLIS caused irreparable hardship to the applicants.

5. For that late Khana Devi Ex-TGT NVS died while in service on 24.4.94 due to ^{lives} blood cancer but retirement benefit mentioned above due to her successor has not yet been settled.

Pratima Kahaly.

6. Details of remedies exhausted.

The applicant states that she has no other alternative or other efficacious remedy then to file this application before this Hon'ble Tribunal for protection of his valuable right.

7. Matters not previously filed or pending before any other court.

The applicant further declares that she had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought for :

8.1. That the respondents be directed to make payment of GPF amount and NVS Group Saving linked insurance Scheme 1991 amount to the applicant No.1 due and admissible to Late Khana Devi, along with 18% interest till the actual date of payment.

8.2. To direct the respondents to pay Rs. 25000/- (Rupees twenty five thousand) as cost of the application .

8.3. To pass any other order or orders as deem fit and proper.

Pratima Kahaly

1) whether she is entitled to get
2) jurisdiction

9. Intetim order prayed for :

During pendency of the case the respondents be directed to / pay the GPF amount and NVS Group Saving linked Insurance Scheme 1991 amount.

10.

This application has been filed through advocate.

11. Particulars of I.P.O.

- i. I.P.O. No. : 24 5978 04
- ii. Date of Issue : 12.7.2k
- iii. Issued from : G.P.O. Guwahati.
- iv. Payable at : G.P.O. Guwahati.

12. List of enclosures.

As stated in the Index.

EIS
Nomination - GPF
NVS EGSLS

.... Verification.

Pratima Kahaly.

V E R I F I C A T I O N

I, Smt. Pratima Kahali wife of Late Niherendu Kahali resident of Umpling Plot No. 129 Shillong-793 006, sister of Late Khana Devi Ex-TGT NVS JNB Willam Nagar do hereby verify and declare that the statements made in paragraph 1 to 12 are true to my knowledge and I have not suppressed any material fact.

I sign this verification on this 12 th day of July, 2000 at Guwahati.

Pratima Kahali.
Signature.



No 3430

CERTIFICATE OF DEATH

As per format under Section-12/Section-17 of the Registration of Births and Deaths Act, 1969.

This is to certify that the following information has been taken from the original record of death which is in the Register for.....

Nimble Elubie 6 (2)

under The Calcutta Municipal Corporation (Local Area).

Registration No. *769*

Name *Khana Devi Purakayastha*

Nationality *Indian*

Sex *F*

Age *44* Years

Son/Wife of *Bijit Narayan Purakayastha*

Date of death *24.4.94 at 4.30 P.M.* Date of Registration *25.4.94*

Place of Death (Full Address) *Dafedil Housing Home (114)*

276, Canal Street, Calcutta-28

Residence *142/1, Nagendra Nath Road*

Calcutta-28

Prepared by *h*

Head Assistant *cur*

Dated *25.12.94*

h
Signature of the Issuing Authority

Note—In the case of Death no disclosure regarding the 'cause of death' as entered in the register is to be made (under Sub-Section 17 (1) of RBD Act, 1969)

C. P.—278—6-12-94—50,000

h
Asst. Registrar of Birth & Death
Health, Borough II & IV
The Cal. Mtd. Corporation

To
The Director,
Novodaya Vidyalaya Samity,
A-39, Kailash Colony,
New Delhi-110048

Sub:- Regarding sanction of NVSEGIS 1991.

Ref:- NVW-121/P-121/PF/90-95/844-45 dt. 28-8-96

Sir,

Kindly refer to the letter no. NVW 121/PF/90-91/844-45 dt. 28-8-96 regarding the sanction of NVSEGIS of Late Khana Devi Ex-TGT (Eng) of Williamnagar Novodaya Vidyalaya Samity.

In this connection I am to inform you that the payment of NVSEGIS has not yet been received by me till date. I have communicated to ~~the~~ the Principal, Novodaya Vidyalaya, Williamnagar and in reply Principal informed me that the sanction for the same was not received from your end.

Further, Principal Williamnagar in his letter no. NVW-129/PF/90-91/888-89 dt. 7-1-96 address to you a copy of which was received by me in which he requested to your honour to accord sanction at an early date.

~~I therefore request you kindly do needful from your end~~
so as to enable me to draw the same without further delay and for which act of your kindness I shall ever pray in gratitude.

Yours faithfully,

Protima Kahaly

Mrs. Protima Kahaly,
C/O S.C. Bhattacharjee,
129, Umpling, Shillong-793006.
Meghalaya.

10/2/97

Copy forwarded to:-

- 1) The Dy. Director, Novodaya Vidyalaya Samity, Lachmina, Shillong for information and necessary action.
- 2) The Principal, Novodaya Vidyalaya Samity, Williamnagar, Garo Hills, Meghalaya. He is requested to take suitable step for early payment.

Yours faithfully,

Protima Kahaly

Mrs. Protima Kahaly.

EEEEEE

Annexure - 3²

No. NVL-121/PF/90-91/

Date 28.08.96

To,

The Director,
Navodaya Vidyalaya Samiti,
A-39, Kailash Colony,
New Delhi - 48.

Through

The Deputy Director, NVS, Shillong.

Subject

: Regarding sanction of NVSEGIS 1991.

S i r,

Consequent upon death of Late Khara Devi, Ex-TGT(English) on 24.04.94 her Navodaya Vidyalaya Samiti Group saving linked insurance Scheme (NVSEGIS), 1991 amount is required to make payment at an early date.

I, therefore, request you kindly to accord sanction for the same so that the payment may be made in time.

In fact her husband is still alive but the incumbent during her life time has given nomination in favour of Smt. Protima Kahaly, her widow sister with 100% share.

In this connection, this office has written so many letters, even sent reply telegram also to her husband but no response was received from him.

So, I, further request you to accord your sanction since the above nominee has applied recently for her share supporting with necessary documents and accordingly the documents are given below:

1. Pre-receipt bill in ~~original~~ duly signed by the nominee;
2. For No.6(application for NVSEGIS,91).

This is for favour of your kind information and necessary action please.

Enclosed: As stated above:

Yours faithfully,

(V.S.GUSAIN)
Principal.

Memo No. NVL-121/PF/90-91/ 845
Date 28.08.96
Copy to:

1. The Accounts Officer, Navodaya Vidyalaya Samiti, Shillong for information and necessary action please.
2. Smt. Protima Kahaly, C/O Sri S.C. Bhattacharjee, 129, Umpling, Shillong - 793006 for information please.

(V.S.GUSAIN)
Principal.

C.H*

OFFICE OF THE PRINCIPAL::JAWAHAR NAVODAYA VIDYALAYA::WILLIAMNAGAR
EAST GARO HILLS DISTRICT::MEGHALAYA:: 794 111

No.NVW-121/PF/90-91/ 854

Dated : 30/08/96

To

Ms Protima Kaholy,
C/O Shri S. C. Battacharjee,
129, Umpling, Shillong - 794 006.

Sub:- Navodaya Vidyalaya Samiti Employees Group
Insurance Form.

Madam,

I am sending herewith the blank form in duplicate for claiming benefits payable under Navodaya Vidyalaya Samiti Employee Group Saving Linked Insurance Scheme 1991. You are, therefore, requested to fill up the necessary columns and after putting your signature, witness signature etc. then this form to be send to the Undersigned for further necessary action.

Encls : As stated above:

Yours faithfully

(V.S. GUSHIN)
Principal

Jawahar Navodaya Vidyalaya
Williamnagar
Jawahar Navodaya Vidyalaya
Williamnagar.

D.S./

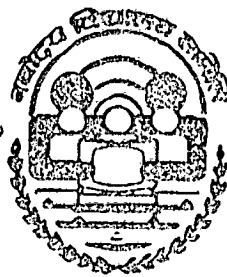
-00000-

Recd m
12.9.98

30/8/96

JAWAHAR NAVODAYA VIDYALAYA
WILLIAMNAGAR

Ministry of Human Resource Development
(Department of Education)
EAST GARO HILLS, MEGHALAYA
Pin-794111



ज्ञानं ब्रह्म

जवाहर नवोदय विद्यालय

विलियमनगर
मानव संसाधन विकास मंत्रालय
(शिक्षा विभाग)
जिला-इष्ट गारो हिल्स, मेघालय
पिन-७९४१११

फोन-२३

Ref. No. No. NVU-121/PF/90-91/

To,

Date 28.08.96

The Director,
Navodaya Vidyalaya Samiti,
A-39, Kailash Colony,
New Delhi-48.

Through

The Deputy Director, Navodaya Vidyalaya Samiti,
Shillong.

Subject

Regarding payment of G.P.F. amount.

Sir,

In continuation to this office letter even number dated 28.08.96, I have the honour to inform you that this establishment has received a sum of Rs. 15,000/- (Rupees fifteen thousand) only from the Director of Public Instruction, Government of Assam, Pradosh Naharla being the full payment of G.P.F. money in respect of late Khana Devi, Ex-TGT (English) vide letter No. 62.1/204/73-79/ of 28.08.94.

So, you are requested to allow us to make the payment of above amount of GPF to Smt. Protima Kahaly the widow sister and nominee of late Khana Devi.

Your early instruction in this regard is highly appreciated.

Yours faithfully,

Memo No. NVU-121/PF/90-91/ 840

Date 28.08.96

Copy to;

(V.S.GUSAIN)
Principal.

1. Smt. Protima Kahaly, C/O Smt. S.C. Bhattacharjee, 129, Umpling, Shillong-793006 for information please.
2. The Accounts Officer, Navodaya Vidyalaya Samiti, Shillong for information please.

28.8.96

(V.S.GUSAIN)
Principal.

Jawahar Navodaya Vidyalaya
Williamnagar.

C.M*

Registered with A/D. 20

OFFICE OF THE PRINCIPAL: JAWAHAR NAVODAYA VIDYALAYA: WILLIAMN
EAST GARO HILLS DISTRICT: MEGHALAYA - 794111

No. NVW-129/PF/90-91/

Date 04.01.97

To,

The Director,
Navodaya Vidyalaya Samiti,
A-39, Kailash Conely,
New Delhi - 48.

Through

The Deputy Director,
Navodaya Vidyalaya Samiti,
S H I L L O N G.

Subject : Regarding payment of outstanding GPF amount.

S i r,

In continuation to this office even no. dated 28.08.96, I have the honour to inform you that this establishment was received a sum of Rs.15,000.00 (Rupees fifteen thousand) only from the Director of Public Instructions, Govt. of Arunachal Pradesh, Naharlagun being the full payment of GPF money in respect of Lt. Khana Devi, Ex-TGT (English) vide letter No. ED.1/204/7879 of 28.08.94.

It is for your kind information that the incumbency was expired on 24.04.94 and as per submitted nomination her widow sister Smt. Pratima Kahaly is supposed to get all benefits.

~~Keeping in view the above~~
requested to look into the case from your kind end and to allow us to make payment of the outstanding GPF amount of late Khana Devi for Rs.15,000/- (Rupees fifteen thousand) only to Smt. Kahaly.

Your early favourable instruction in this regard is highly appreciated.

Yours faithfully,


(V.S.GUSAIN)
Principal.

Memo No. NVW-129/PF/90-91/1885

Date 04.01.97

Copy to :

1. Smt. Pratima Kahaly, C/O Sri S.C. Bhattecharjee, 129, Umpling, Shillong-793006 for information please.
2. The Accounts Officer, Navodaya Vidyalaya Samiti, Regional Office, Shillong for information and necessary action please.


(V.S.GUSAIN)
Principal.

Principal Navodaya Vidyalaya
Shillong.

C.H*

No. NVW-129/PF/90-91/

Date 07.01.97

To,

The Director,
Navodaya Vidyalaya Samiti,
A-39, Kailash Colony,
New Delhi - 48.

Through

The Deputy Director,
Navodaya Vidyalaya Samiti,
S H I L L O N G .

Subject : Regarding sanction of NVSEGIS 1991 on the event
of death of Late Khana Devi, Ex-TGT(Eng).

S i r,

In continuation to this office letter even No. dated 28.8.96 (Copy enclosed), I have the honour to inform you further that Late Khana Devi, Ex-TGT(Eng) of this Vidyalaya was expired on 24.4.94 and hence her Navodaya Vidyalaya Samiti Group Saving Linked Insurance Scheme (NVSEGIS)'91 amount is required to make payment to her nominee.

As per service record Late Khana Devi, Ex-TGT(Eng) was endorsed 100% share to her widow sister named Smt Pratima Kahaly.

So, I further request you to accord sanction of the NVSEGIS amount as she has been pressing hard to get her share quickly. In this connection, further I am sending herewith the following documents.

1. Pre-receipt bill in original duly signed by the nominee.
2. Form No.6 application for NVSEGIS 1991.
3. NVSEGIS claim form.
4. Xerox copy of death Certificate of Late Khana Devi.

This is for favour of your kind information and necessary action please.

Enclosed : As stated above.

Yours faithfully,

(V.S.GUSAIN)
Principal.

Memo No. NVW-129/PF/90-91 /1889

Date 07.01.97

Copy to :

1. The Accounts Officer, Navodaya Vidyalaya Samiti, Regional Office, Shillong for information and necessary action please.
2. Smt. Pratima Kahaly, C/O Shri S.C. Bhattacharjee, Umpling, Shillong - 793006, Meghalaya for information please.

(V.S.GUSAIN)
Principal.

C.H*

32
Annexure - 8

F.1-15/PF/98-NVS(SHR)/7224

12.01.99.

To,

Dr. N.D.Sharma.
Assistant Director(Audit)
A-39, Kailash Colony
New Delhi - 110 048.

Sub : Payment of death-Insurance claim under NVS
Employees GSLIS in respect of Late(Mrs)Khana
Devi, Ex-TGT(English) of JNV.East Garo Hills
(Meghalaya).

Ref : This office letter No. F.1-15/PF/98/NVS(SHR)/15024-25
dated 17.9.98 and subsequent reminder even number
dated 6.11.98.

Sir,

With reference to the subject cited above, I am
to draw your kind attention in the matter and expedite
reply there-to at the earliest please.

Yours faithfully,

(D. C. MISHRA)
DEPUTY DIRECTOR.

Copy to :

Shri Subhash Bhattacharjee, Umpling, Rynjah
Shillong - 6 for information.

sp/

DEPUTY DIRECTOR.

नवोदय विद्यालय समिति

(मानव संसाधन विकास मंत्रालय, शिक्षा विभाग
का एक स्वायत्त संस्थान)

ए-39, कैलाश कॉलोनी, नई दिल्ली-110048



तार: 'नवसम'
Gram: 'NAVSAM'

NAVODAYA VIDYALAYA SAMITI

(An Autonomous Organisation of Ministry of
Human Resource Development
Department of Education)

A-39, KAILASH COLONY, NEW DELHI-110048

संख्या F.No. 4-7/97/48/NVS/F&A/GIS/291
No.

दिनांक 16-9-1999.
Dated

To:

The Manager (P&GS)
LIC of India
25, Kasturba Gandhi Marg
New Delhi

Subject : Settlement of GIS claim in respect of Late Smt. Khona Devi
Ex-TGT, JNV, Distt. East Garo Hills, Meghalaya against Master
policy no. GSI/48730 - Regarding.

Dear Sir,

I am to invite your attention to this office letter of even no.
dated 20.4.99 on the subject cited above and say that the beneficiary
of the claim has been requesting this office for an early settlement
of claim due to financial hardship.

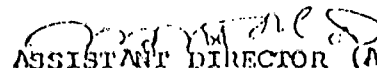
You are requested to look into the matter personally and settle
the issue as early as possible.

Yours Sincerely

(DR. N.D. SHARMA)
ASSISTANT DIRECTOR (AUDIT)

Copy to :-

1. The Deputy Director, NVS, Regional Office, Shillong.
2. The Principal, JNV, Distt. East Garo Hills, Meghalaya.
3. Mrs. Protima Kahaly C/O S.C. Bhattocharjee, 129, Umpling,
Shillong - 793006, (Meghalaya).


ASSISTANT DIRECTOR (AUDIT)

To

Dr. M.M. Joshi,
Ministry of Human Resource Development,
Shastri Bhawan,
New Delhi -- 110 001

Sub : Regarding non-payment of death insurance claim under NVS Employee
GSLIS in respect of Late (Mrs.) Khana Devi, Ex. TGT(Eng), I.N.V.
Williamnagar, East Garo Hills.

Sir,

With most respectfully I am to lay before your honour the following facts for your information and I hope that you will take appropriate action in this regard at an early date.

That sir, Late (Mrs.) Khana Devi who was suffering from liver cancer died on 24th April 1994.

That sir, after her death several correspondence were made with the Principal, as well as Dy. Director, NVS, Shillong and also to Director, NVS, New Delhi for early settlement of my claim, but all my efforts are end in smoke. Time and again I met with the Dy. Director, NVS, Shillong who also made several correspondence to Director, NVS, New Delhi and also requested over telephone for early settlement, but Director, New Delhi turned deaf ears and did not respond.

That sir, due to delay of making payment I had to face acute financial crisis as well as loss of interest.

That sir, finding no other alternative than to encroach your valuable time with the request to look into the matter at your earliest so that I may able to get my payment without further delay, and for which act of your kindness I shall ever pray in gratitude.

[Xerox copy of sum of the correspondence made with the Dy. Director, NVS, Shillong and also Director, NVS, New Delhi for your information]

Yours faithfully,

Protima Kahaly

(Mrs. Protima Kahaly)

C/O: S.C. Bhattacharjee

129, Umpling,

Shillong -- 793 006

Meghalaya

35
Copy forwarded for information to :

1. The Director, Novodaya Vidyalaya Samity, A-39, Kailash Colony, New Delhi-110 048
2. The Dy. Director, Novodaya Vidyalaya Samity, Nongrim Hills, Meghalaya, Shillong.

Yours faithfully,

(Mrs. Protima Kahaly)

To

Sri (Dr.) N.D. Sharma,
Asstt. Director (Audit)
Novodaya Vidyalaya Samity
A-39, Kailash Colony
New Delhi - 110 045.

Sub: Non-payment of GPF amounting to Rs.15,000/- and non settlement of
GIS claim of Late (Smt) Khana Devi, Ex. T.G.T.

Ref: F.No.4-7/97/48/NVS/F&A/271 dt. 16.9.99

Sir

I am to inform you that an amount of Rs.15,000/- being the balance payment of GPF money made by Director of accounts, Arunachal Pradesh (Lending Deptt.). But till today, I have not received the same and the amount was kept by the Principal without assigning any reason.

As regards GIS claim, time and again I have requested to you for the settlement, but in vain. It is a matter great regret that even after a lapse of six years (1994), you could not settle the claim

I, therefore, once again request you to make payment with interest within one month from the date of receipt of this letter, failing which I have no other alternative then to file a suit for justice.

Yours faithfully,

(Protima Kahaly)

(PROTIMA KAHALY) 20.4.2000
129, Umpling,
Shillong - 793006
Meghalaya.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH ::
AT GUWAHATI.

ORIGINAL APPLICATION NO. 235/2000.

Smti. Pratima Kahali & Anr.

.... Applicants.

- Versus -

Union of India & Ors.

.... Respondents.

The respondents No. 3 and 4 beg to file their
Written Statement as follows :-

1. That all the averments and submissions made in the Original Application are denied by the answering respondents save what has been specifically admitted herein and what appears from the record of the case.
2. That with regard to the statement made in paragraph 4.1 of the Original Application (hereinafter referred to as the O.A.) the answering respondents have no comments to offer.
3. That with regard to the statement made in paragraph 4.2 of the O.A. the answering respondents admit

contd.... p 2.

that Late (Mrs.) Khana Devi, Ex. TGT (Eng), JNV, Willium Nagar had nominated the applicant to receive 100% compensation due from Navodaya Vidyalaya Samiti Employees GSLIS Scheme in the event of her death. The Navodaya Vidya Samiti is not having any General Provident Fund Scheme, but having only the Contributory Provident Fund Scheme. However, during the tenure of Late (Mrs.) Khana Devi in Navodaya Vidyalaya Samiti, she never opted for the Provident Fund Scheme and, as such, no deduction has been made in the Provident Fund Scheme of NVS. Thus nothing is due to her on account of General Provident Fund.

4. That with regard to the statement made in paragraph 4.3 of the O.A. the answering respondents state that NVS is having a Group Insurance Scheme for the employees in collaboration with the LIC of India. It is not denied that the applicant was nominated as the nominee to receive the accumulated amount. The G.I. claim has already been forwarded to the LIC of India by NVS on 24.8.1999, but the LIC of India has not yet settled the claim. The Samiti is pursuing the matter with LIC of India to settle the due as early as possible.

A copy of the settlement of GSLIS claim dated 9.2.2000 is annexed hereto and is marked as ANNEXURE - I.

5. That with regard to the statement made in

paragraph 4.4 and 4.5 of the O.A. the answering respondents beg to state that the Insurance claim of Late (Mrs.) Khana Devi was forwarded to the LIC of India immediately after the receipt of the claim from the applicant, and since then the Samiti is reminding the LIC of India to settle the dues as early as possible.

6. That with regard to the statement made in paragraph 4.6 of the O.A. the answering respondents beg to state that the deceased, Late (Mrs.) Khana Devi was working in the Deptt. of Education, Govt. of Arunachal Pradesh as Trained Graduate Teacher since 1974 and later on appointed in the Samiti as TGT on deputation basis from August, 1988 and subsequently permanently absorbed in September, 1992. It is a fact that she had opted for the GPF while working under the Education Deptt., Government of Arunachal Pradesh and a sum of Rs. 15,000/- has been received from the parent employer with a direction to the Principal, JNV, Williumnagar to disburse the GPF amount to her legal heir. However, the Deptt. of Education, Govt. of Arunachal Pradesh does not mention the name of the legal heir to whom the amount is to be paid. The Principal, JNV, Willium Nagar had made several correspondences with the Deptt. of Education, Govt. of Arunachal Pradesh to let the Samiti know the nomination submitted by Late (Mrs.) Khana Devi as to ~~the~~ whom the amount is payable since the amount is still lying in the account of JNV, Willium Nagar for disbursement. In this context, the Samiti had contacted the applicant to furnish the legal heir Certificate from the competent authority, but no response has been received.

contd.... p 4.

7. That with regard to the statement made in paragraphs 4.7 and 4.8 of the O.A. the answering respondents beg to state that it is denied that there was delay on the part of the Samiti to pursue the Insurance Scheme submitted by the applicant. The Samiti had taken timely action on the claims and after due verification and checking the claims, the same was forwarded to the LIC of India for early settlement of the claims and, as such, no penalty is liable to be imposed to the Samiti Officers.

8. That under the facts and circumstances stated above, it is humbly submitted that the Samiti is not having any hesitation to pay the GPF amount received from the Directorate of School Education, Government of Arunachal Pradesh to the legal heir of Late (Mrs.) Khana Devi. Regarding the settlement of NVS, GSLIS claim is concerned Samiti is having an understanding with the LIC of India and accordingly a Group Insurance Scheme has been introduced for the employees working in Navodaya Vidyalaya Samiti. The claim of NVS, GSLIS submitted by the applicant had already been forwarded to LIC of India for final settlement. The respondent further submits that the disbursement of the accumulated amount and the premium to the applicant, there is no dispute regarding the nomination. Thus as and when the claim is received by the Samiti from LIC of India, the amount will be despatched to the applicant without any delay from the Samiti's side.

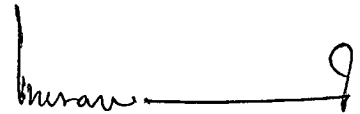
VERIFICATION ...

VERIFICATION

I, V. S. Ranawat

presently working as [redacted] Deputy Director, Navodaya Vidyalaya Samiti, Regional Office, Shillong (Meghalaya) do hereby solemnly affirm and state that the statement made in paragraphs 1, 2, 3, 5, 6 and 7 are true to my knowledge and those made in paragraph 4 are matters of records, information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

I sign this verification this, the 28th day of September 2001 at Guwahati.



SIGNATURE

Deputy Director,
Navodaya Vidyalaya Samiti,
Ministry of Human Resource Development
(Department of Education)
Shillong.

Fax : 6460159

दूरभाष] 6468001 (7 Lines)
Telephone

नवोदय विद्यालय समिति

(मानव संसाधन विकास मंत्रालय, शिक्षा विभाग
का एक स्वायत्त संस्थान)

ए-39, कैलाश कॉलोनी, नई दिल्ली-110048



NAVODAYA VIDYALAYA SAMITI

(An Autonomous Organisation of Ministry of
Human Resource Development
Department of Education)

A-39, KAILASH COLONY, NEW DELHI-110048

ANNEXURE - I

तार : 'नवसम'

Gram : 'NAVSAM'

संख्या 4-7/48/NVS/F&A/GIS/456
No.

दिनांक 20.1.2000.

Dated 9-2-2000

To,

The Manager (P & GS)
LIC of India
25, Kasturba Gandhi Marg,
New Delhi - 110001.

Subject : Settlement of GSLIS Claim in respect of late
Smt. Khana Devi, E.No.6842, Category-3 (Policy
no. GSII/43730).

Sir,

I am to invite your attention to this office letter of
even number dated 28.4.99, on the subject cited above and
request you to look into the matter personally for early
settlement of the case.

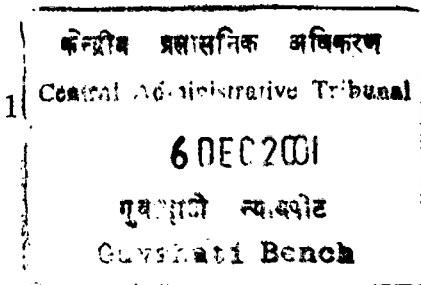
Yours faithfully

(DR.H.D. SHARMA)
ASSISTANT DIRECTOR (AULTT)

Copy to :-

1. Mrs. Protima Kehaly, C/O S.C.Bhattacharjee, 129, Umpling
Shillong - 793006 (Meghalaya) for information.
2. The Dy. Director, NYS, SO, Shillong for information.
3. The Principal, J.W. Distt. East Garo Hills.

ASSISTANT DIRECTOR (AULTT)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 235 of 2000

IN THE MATTER OF:

Smti Pratima Kahaly & Ors.

Vs.

Union of India & Others

-And-

IN THE MATTER OF:

Rejoinder submitted by the applicant in
reply of the written statement
submitted by the respondents.

The applicants above named most humbly and respectfully beg to
state as under :

1. That she has gone through the written statement and has understood the contents thereof.
2. That your applicants categorically denies the statements made in paragraphs 3,4,5,6,7 and 8 of the written statement and further begs to state as under :
3. That the claims of the applicant pertain to two separate amounts namely the Group Insurance money and GPF accumulations standing in the name of Late (Mrs.) Khana Devi, Ex-TGT (Eng). JNV, Williamnagar, the deceased sister of the applicant, late (Mrs.)

Filed by the Applicant through
H. Dutta, Advocate, 52
Wd. 11/12/01
05/12/01

24

Khana Devi, during her life time, nominated the applicant who is her widow sister to receive 100% of the two amounts aforesaid i.e. the Group Insurance money and the GPF accumulations, and accordingly the applicant has submitted her claims to receive the aforesaid amounts as the nominee of the deceased subscriber Late (Mrs.) Khana Devi in time.

4. That as regards the Group insurance money in the instant case, the applicant (nominee) submitted application in the relevant pre-receipted form as back as in 7.1.97 and it is the bounden duty of the NVS to arrange for payment of the said money to the applicant in time on the basis of nomination given by the deceased subscriber. But unfortunately, the NVS authorities did not take any action on the matter and after sitting upon the papers for more than two years, they addressed a letter to the Life Insurance Corporation of India (LICI) in 1999 only with no further effective steps whatsoever, keeping the issue pending for so many years till now.
5. That regarding GPF accumulation, a sum of Rs. 15,000/- has already been received by the JNV, Williamnagar, NVS, from the Govt. of Arunachal being the GPF money of late (Mrs.) Khana Devi pertaining to the period of her services under the Education Department, Government of Arunachal Pradesh for disbursement. The applicant being the nominee of Late (Mrs.) Khana Devi is entitled to draw the said GPF amount of Rs. 15,000/- on the basis of nomination but the NVS authorities has not been paying this money on the vague plea of "legal heir" in spite of existence of a valid nomination made in favour of the applicant and has been dragging on unnecessary correspondences on the matter with the sole intention of frustrating the claim of the applicant. It is relevant to mention here that as per the settled law, where there is a nomination given by the subscriber employee, the accumulated claims have to be paid to the said nominee after the death of the

concerned subscriber employee in accordance with the established procedure as stated/quoted in the following paragraph herein and the question of "legal heir" is irrelevant and superfluous. As per rule, the Head of office cannot address to the legal heirs of a deceased of office cannot address to the legal heirs of a deceased Government servant even in absence of a nomination but it is for the legal heirs themselves to take the initiative and where there is a nomination standing for the purpose, the question of addressing/searching legal heir does not come at all. This apart, in the instant case, no person other than the nominee(Applicant) came to claim the money so far, as legal heir of late (Mrs.) Khana Devi in view of the nomination given by Late (Mrs.) Khana Devi and the applicant being the nominee is fully entitled to draw the money aforesaid.

6. That according to Govt. of India's decision in connection with the payment of claims under Group Insurance Scheme to the Nominee, Rule 7 of the "Central Government Employees' Insurance Scheme, 1977" (Ref : Swamy's Compilation on Group Insurance Schemes for Central Govt. Employees and Union Territory Govt. Employees, P-1113-114) provides as follows :-

"7. On receipt of intimation about the death a government servant while in service the Heads of Offices shall ascertain whether any amounts are payable under this Scheme in respect of the deceased Government servant. (An employee dying in service at the age of 59 would not be entitled to any benefits under the scheme other than amounts payable on attaining the age of 58). He shall then address the nominee/heir concerned in Form II to submit an application in Form III. On receipt thereof, the Head of office shall issue a sanction for the payment of

claims and also arrange for the drawal and disbursal of the amounts to the person or person concerned.

Clarifications- (a) From the numerous communications received in this Ministry seeking clarifications as to whom the payment of the insurance cover should be made as the employee had not filed the necessary Nomination, it seems desirable to impress upon all concerned, the fact that the payments of the insurance sum should normally be made on the basis of nominations made by the Government servants. Any procedure for payment of the insurance cover on a basis other than nominations is bound to be complicated and time consuming. This will not only result in delay in the payment of insurance money to the families of the employees concerned but will also result in increase of administrative work all round.....

(b).....In the absence of a Nomination, the Head of Office cannot send any communication to the legal heirs of the deceased Government servant. The legal heirs would themselves take the initiative and on hearing from them the HOD may forward Form III to be filled in by the "legal heirs."

From the above text it is clear beyond doubt that the claims of a deceased Government servant shall be paid to the nominee on the basis of the Nomination given by the employee concerned during his/her life time. This principle holds good in respect of all types of claims, be it an insurance cover or GPF money. In the instant case, the deceased employee had given proper nomination during her life time in favour of the applicant to receive her 100% accumulations towards Group Insurance and GPF and

that is in accordance with the policy decision of the Govt. of India as well, and as such the payments of the said claims to the person other than the nominee is out of question.

7. That in the facts and circumstances, the applicant humbly submits that she is entitled to the reliefs prayed for, and the O.A. deserves to be allowed with costs.

VERIFICATION

I, Smt. Pratima Kahali, wife of Late Niherendu Kahali, resident of Umpling, Plot No. 129, Shillong 793 006, sister of Late Khana Devi, Ex-TOT, NVS, JNV, William Nagar, applicant, do hereby verify and declare that the statements made in paragraphs 1 to 7 are true to my knowledge and the rest is my humble submission before the Hon'ble Tribunal and I have not suppressed any material fact.

And I sign this verification on this the 26th day of November, 2001.


Signature